

U.S. BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
Orlando Division

In re:

EXCELETECH COATING AND  
APPLICATIONS, LLC,

Debtor.

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Chapter 11  
Case No. 6:18-bk-00263-KSJ  
Hon. Karen S. Jennemann

**RE-NOTICE OF BR RULE 2004 EXAMINATION  
OF DEBTOR'S REPRESENTATIVES**

The International Painters and Allied Trades Fringe Benefit Funds<sup>1</sup> (the “National Funds”) and Southern Painters District Council 78 Fringe Benefit Funds<sup>2</sup> (the “Local Funds”) (hereinafter, collectively, the “Funds”), by and through their undersigned counsel, request that Debtor, Exceletech Coating and Application, LLC produce and deliver on or before **Friday, May 11, 2018**, to Craig E. Zucker, at the law offices of Maddin, Hauser, Roth & Heller, P.C. (“Maddin Hauser”), 28400 Northwestern Hwy., 2<sup>nd</sup> Floor, Southfield, Michigan 48034, all of the documents set forth on Exhibit A hereto via electronic means ([czucker@maddinhauser.com](mailto:czucker@maddinhauser.com)), to the extent that those documents have not been

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<sup>1</sup> The International Painters and Allied Trades Fringe Benefit Funds consist of: the International Painters and Allied Trades Industry Pension Fund, the Finishing Trades Institute, the Political Action Together Fund and the Painters and Allied Trades Labor Management Cooperation Initiative.

<sup>2</sup> The Southern Painters District Council 78 Fringe Benefit Funds consist of: the Southern Painters Welfare Fund and the District Council 78 Finishing Trades Institute.

already previously produced. In addition, all payroll documents referenced as Item No. 6 on attached Exhibit A shall also be produced via electronic means to auditors for the Funds, Novak Francella, LLC, Certified Public Accountants, One Presidential Blvd., Ste. 330, Bala Cynwyd, PA 19004, Attn: Jacquelyn K. Coyle, via e-mail to: [jcoyle@novakfrancella.com](mailto:jcoyle@novakfrancella.com) (telephone number 610-668-9400, extension 114), also to the extent that same has not been already previously produced. The payroll information shall likewise be produced to fund auditors on or before **Friday, May 11, 2018**.

The Funds also request that Debtor, by and through its designated representatives, Lawrence Muzia and Donna Painter (“Designated Representatives”) appear at **10:00 a.m., Wednesday, May 16, 2018** at the law offices of Ogletree, Deakins, Nash, Smoak & Stewart, P.C., 100 North Tampa St., Suite 3600, Tampa, Florida 33602, for an examination under oath pursuant to Bankruptcy Rule 2004. The examination will be taken under oath and transcribed by a court reporter.

This request for production of documents and examination is pursuant to Bankruptcy Rule 2004, *Federal Rules of Bankruptcy Procedure*, and Local Rule 2004-1, *Bankruptcy Rules for the United States Bankruptcy Court for the Southern District of Florida*. The scope of the request is as described in Bankruptcy Rule 2004. Pursuant to Local Rule 2004-1, no order shall be necessary.

Respectfully submitted,

SUGARMAN & SUSSKIND, P.C.

/s/ D. Marcus Braswell, Jr.

D. Marcus Braswell, Jr.  
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MADDIN HAUSER ROTH & HELLER, P.C.

/s/ Craig E. Zucker

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DATED: May 8, 2018

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**EXHIBIT A**

Documents related to Exceletech Coating and Applications, LLC (“Debtor”) to be produced via electronic means in accordance with the instructions contained in the Re-Notice of BR 2004 Examination on or before **Friday, May 11, 2018:**

1. Federal and state tax returns for calendar years 2014 through 2017.
2. All canceled checks, check registers, bank statements and general ledgers for the three years immediately preceding the filing of this Chapter 11 bankruptcy in connection with all bank accounts maintained by Debtor so as to reveal all receipts and disbursements of Debtor for the time period stated herein.
3. All vehicle titles and titles to rolling stock concerning any and all owned or titled in the name of the Debtor.
4. Any and all titles to real estate titled in the name of Debtor or in which Debtor holds an interest.
5. All accounts receivable ledgers and accounts payable ledgers for the time period January 1, 2015 through current date.
6. All payroll records of Debtor for any and all of Debtor’s employees, including, but not limited to, any and all employees leased by Debtor through any and all employee leasing entities and/or temporary employee leasing agencies or entities (hereinafter, collectively, “Employees”) evidencing any and all hours worked and hours paid to all Employees of Debtor performing covered work under

the CBA which are necessary for the Funds to determine the amount of Debtor's indebtedness to the Funds for the time period January 1, 2015 to the current date. The payroll records shall include, but are not necessarily limited to, payroll journals, payroll ledgers, paycheck stubs, time cards, trade classifications for each and every Employee, IRS form W-2's, 1099's, W-3's, 940's and 941's, canceled paychecks and itemized payroll records.

7. Any and all records concerning any and all secured creditors, including, but not limited to, loan documents, security agreements, UCC-1 financing statements and documents in support of any and all outstanding loan balances.

8. Any and all documents in connection with any loans by and between any insider (as that term is defined under the Bankruptcy Code) of Debtor and the Debtor, including evidence of consideration paid, promissory notes, and any and all payments in connection with any such loans.

9. A current list of all jobs-in-progress and a current list of all prospective bids for future work to be performed by contract name, location, and amount.

10. All of Debtor's balance sheets, profit and loss statements, and income statements for the time period 2014 forward.